

DOCKET FILE COPY ORIGINAL

FCC MAIL SECTION

Before the  
Federal Communications Commission  
Washington, D.C. 20554

JUL 1 5 10 PM '05

DISPATCH

In the Matter of )

Amendment of Section 73.202(b) )

Table of Allotments, )

FM Broadcast Stations. )

(Maysville and Cromwell, Oklahoma)<sup>1</sup> )

MB Docket No. 04-404

RM-11098

RM-11233

**REPORT AND ORDER**  
(Proceeding Terminated)

Adopted: June 29, 2005

Released: July 1, 2005

By the Assistant Chief, Audio Division, Media Bureau:

1. The Audio Division considers herein the *Notice of Proposed Rule Making* ("Notice"),<sup>2</sup> issued at the request of Charles Crawford ("Petitioner"), requesting the allotment of Channel 251A at Maysville, Oklahoma, as its first local service. Petitioner and Okie Broadcasting filed comments. Katherine Pyeatt filed a counterproposal. Petitioner, Okie Broadcasting and Katherine Pyeatt ("Pyeatt") each filed a Request for Approval of Withdrawal of their respective expression of interest. No other comments or counterproposals were received in response to the *Notice*.

2. **Background.** The *Notice* proposed the allotment of Channel 251A at Maysville, Oklahoma, as its first local service at reference coordinates 39-49-00 NL and 97-24-18 WL. Petitioner filed comments reiterating its interest in Channel 251A at Maysville. Petitioner filed a Request for Approval of Withdrawal requesting to withdrawal his expression of interest in the proposed Maysville allotment.<sup>3</sup>

3. Okie Broadcasting filed comments supporting the proposed Maysville allotment. Okie Broadcasting states that it would file the necessary, if Channel 251A at Maysville was allotted. Okie Broadcasting filed a Request for Approval of Withdrawal requesting to withdrawal its expression of interest in the proposed Channel 251A at Maysville.<sup>4</sup>

4. In response to the *Notice*, Pyeatt filed a counterproposal requesting the allotment of Channel 251A at Cromwell, Oklahoma, as its first local service. Pyeatt also requests a change in reference

<sup>1</sup> Cromwell, Oklahoma has been added to the caption. See *Public Notice*, Report No. 2704 released April 22, 2005.

<sup>2</sup> See *Maysville, Oklahoma*, 19 FCC Rcd 20894 (MB 2004).

<sup>3</sup> Petitioner filed an affidavit pursuant to Section 1.420(j) of the Commission's rules, stating that there are no agreements, written or oral, express or implied, relating to the withdrawal of his petition in this proceeding. Moreover, Petitioner states that he has not been paid or promised any payment or other consideration in exchange for the withdrawal of his interest.

<sup>4</sup> Paul Scott Alexander filed an affidavit pursuant to Section 1.420(j) of the Commission's rules, withdrawing the expression of interest filed by Okie Broadcasting. He states that there are no agreements, written or oral, express or implied, relating to Okie Broadcasting's withdrawal of expression of interest in this proceeding. Additionally, neither Okie Broadcasting nor any of its principals, agents, or representatives have been paid or promised any payment or other consideration in exchange for the withdrawal of its expression of interest.

coordinates for the originally proposed Channel 251A at Maysville, Oklahoma. Pyeatt filed a Request for Approval of Withdrawal requesting approval to withdraw her counterproposal.<sup>5</sup>

5. **Discussion.** A showing of continuing interest is required before a channel will be allotted to a community. It is the Commission's policy to refrain from making an allotment to a community absent a *bona fide* expression of interest. Pursuant to Section 1.420(j) of the Commission's rules, we will grant the Petitioner, Okie Broadcasting and Pyeatt request to withdraw their respective expression of interest. As such, we are dismissing the Petition for Rule Making requesting Channel 251A at Maysville, Oklahoma, as its first local service. The counterproposal requesting the allotment of Channel 251A at Crowell, Oklahoma, as its first local service is also dismissed.

6. This document is not subject to the Congressional Review Act. (The Commission, is, therefore, not required to submit a copy of this Report and Order to GAO, pursuant to the Congressional Review Act, see 5 U.S.C. 801(a)(1)(A) because the proposed rule was dismissed.

7. Accordingly, IT IS ORDERED, That the Petition for Rule Making filed by Charles Crawford, IS DISMISSED.

8. IT IS FURTHER ORDERED, That the counterproposal filed by Katherine Pyeatt. IS DISMISSED.

9. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.

10. For further information concerning this proceeding, contact Rolanda F. Smith, Media Bureau, (202) 418-2180.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos  
Assistant Chief  
Audio Division  
Media Bureau

<sup>5</sup> Pyeatt filed an affidavit pursuant to Section 1.420(j) of the Commission's rules, stating that there are no agreements, written or oral, express or implied, relating to the withdrawal of her counterproposal in this proceeding. Pyeatt also states that she has not been paid or promised any payment or other consideration in exchange for the withdrawal of her interest in the counterproposal.